

Remarks/Arguments

Examiner Legesse is thanked for the thorough Office Action.

In that office action, restriction was required to one of two stated Inventions under 35 U.S.C. 121. The Inventions stated are:

- I. Claims 1-13, drawn to a golf putt-training device, classified in class 473, subclass 220.
- II. Claims 14-24, drawn to a method for training golf putting, classified in class 473, subclass 409.

Provisional election

Applicant provisionally elects to be examined the Invention described by the Examiner as Group I - Claims 1-13 drawn to a device classified in Class 473, subclass 220. This election is made with traverse of the requirement under 37 C.F.R.1.143 for the reasons given in the following paragraphs.

Respectful Request To Reconsider The Requirement For Restriction

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action.

The Examiner gives the reason for the distinctness of the two inventions as :
the inventions can be shown to be distinct because either or both of the following can be shown:

(1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)).

The Office action posits that:

“In the instant case the process for using the product as claimed can be practiced with another materially different product. Instead of a putter one can use an iron club.”

Applicant respectfully disagrees for the following reasons. The applicant's method and device claims limit the invention to using a putter/putting. For example, Claim 1 states: (emphasis added)

1. (original) A golf **putt training device** comprising:
a light apparatus adapted to project an alignment segment and an aiming spot on a playing surface; said aiming spot is projected in front of a ball; said alignment segment is projected over said ball and **a putter head**;
whereby said alignment segment is used to align **said putter head** during a swing.

Likewise, Method Claim 14, claims a “putter head”. Claim 14 states:
(emphasis added).

14. (original) A method for training **golf putting** comprising the steps of:

- a) projecting an alignment segment and an aiming spot from a light apparatus positioned above a playing surface onto a playing surface;
- b) positioning a ball on a portion of said alignment segment on said playing surface;
- c) placing a **putter head of a putter** behind said ball on a portion of said alignment segment;
- d) aligning **said putter head** with said alignment segment;
- e) swinging **said putter head** to strike said ball using said alignment segment to maintain the alignment of **said putter head** with said alignment segment.

Applicant's the putt training device and method are not suitable for use with a golf club (e.g., iron golf club) because it would not be possible with a golf swing, to observe the embodiment's "alignment segment" on the golf head during a swing. The back swing on a non-putter stroke necessarily takes the club out of the range of the "alignment segment". Furthermore, the speed on swings a golf club is too fast to be used with applicant's embodiments.

Search Classifications – necessarily co-extensive

The instant Office action further posits:

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

However, the search for each type claim (method and device) must cover both the method class/subclass and the product class/subclass in addition to other related classes/subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. Therefore, it does not appear to be an additional burden on the patent office.

Furthermore, it appears that other putt method/device patents have issued with both device and method claims. See e.g., US 5,818,036 (Daly).

In addition, it is respectfully suggested that these reasons are insufficient to place the additional cost of a second Patent Application upon the Applicants. Therefore, it is

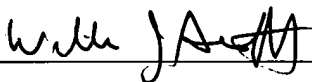
respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

CONCLUSION

Withdrawal of the Restriction Requirement and the Allowance of the present Patent Application is requested. Allowance of all claims is requested. Issuance of the application is requested.

It is requested that the Examiner telephone the undersigned attorney at (215) 670-2455 should there be anyway that we could help to place this Application in condition for Allowance.

Respectfully submitted,



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